



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

CRS
Docket No: 2886-99
17 December 1999

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 1 December 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you reenlisted in the Naval Reserve after five months of prior active service. You reported to active duty on 4 March 1992. You served without incident until 8 March 1993 when you received nonjudicial punishment (NJP) for sleeping on post. The punishment imposed consisted of bread and water for three days, forfeitures of \$150 per month for two months, and reduction in rate to E-2. You appealed the NJP on 14 April and again on 11 June 1993. Both appeals were denied. The Board concurred with the comments of Commander, Cruiser-Destroyer Group 5 when he stated in his letter of 20 July 1993:

The argument that Article 113 does not apply in your case lacks merit. For purposes of Article 113, UCMJ, a sentinel or lookout is a person whose duties include the requirement to maintain constant alertness. This responsibility applies not only to guard against the approach of the enemy, but to maintain the safety and security of persons, property, or a place. Your duties as incinerator Room

Watch fall within that definition.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director